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Chief Clerk of the House

FILED FEB 02 2007

By:



H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.014, Local Government Code, is amended to read as follows:

Sec. 212.014. REPLATting WITHOUT VACATING PRECEDING PLAT. (a) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by only the owners of the property being replatted;

(2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and

(3) does not attempt to amend or remove any covenants or restrictions.

(b) This subsection applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more. In Subsection (a)(3), "covenants or restrictions" means:

(1) covenants or restrictions contained in a dedicatory instrument recorded in the real property records

1 separately from the preceding plat or replat; or

2 (2) covenants or restrictions contained in the
3 preceding plat or replat and referenced in a dedicatory instrument
4 recorded in the real property records separately from the preceding
5 plat or replat.

6 SECTION 2. ACTS AND PROCEEDINGS VALIDATED. (a) This
7 section applies only to a municipality with a population of 1.9
8 million or more that approved the replat or attempted replat of a
9 subdivision or a part of a subdivision before the effective date of
10 this Act.

11 (b) The governmental acts and proceedings of the
12 municipality relating to the approval of a replat or attempted
13 replat of a subdivision or a part of a subdivision by the
14 municipality are validated as of the dates they occurred. The acts
15 and proceedings may not be held invalid because they were not
16 performed in accordance with Chapter 212, Local Government Code, or
17 other law.

18 (c) The governmental acts and proceedings of the
19 municipality occurring after a replat or attempted replat of a
20 subdivision or a part of a subdivision by the municipality may not
21 be held invalid on the ground that the replat or attempted replat,
22 in the absence of this section, was invalid.

23 (d) This section does not apply to any matter that on the
24 effective date of this Act:

25 (1) is involved in litigation if the litigation
26 ultimately results in the matter being held invalid by a final
27 judgment of a court; or

1 (2) has been held invalid by a final judgment of a
2 court.

3 SECTION 3. EFFECTIVE DATE. This Act takes effect
4 immediately if it receives a vote of two-thirds of all the members
5 elected to each house, as provided by Section 39, Article III, Texas
6 Constitution. If this Act does not receive the vote necessary for
7 immediate effect, this Act takes effect September 1, 2007.

HOUSE COMMITTEE REPORT

1st Printing

07 MAR 30 PM 8:43
HOUSE OF REPRESENTATIVES

By: Murphy

H.B. No. 1067

Substitute the following for H.B. No. 1067:

By: Zerwas

C.S.H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT:

CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by each owner of property being replatted;

(2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats;

(3) does not attempt to amend or remove any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) does not attempt to amend or remove any covenants or restrictions that are contained only in the preceding plat or

1 replat without reference in any dedicatory instrument recorded in
2 the real property records separately from the preceding plat or
3 replat, unless the municipal authority responsible for approving
4 plats determines under the criteria in its applicable rules that
5 the restriction or covenant should be amended or removed; and

6 (5) does not attempt to amend or remove any existing
7 public utility easements without the consent of the affected
8 utility companies.

9 (c) Section 212.014 does not apply to a replat under this
10 section.

11 SECTION 2. Sections 212.015(a) and (b), Local Government
12 Code, are amended to read as follows:

13 (a) In addition to compliance with Section 212.014 or
14 212.0146, a replat without vacation of the preceding plat must
15 conform to the requirements of this section if:

16 (1) during the preceding five years, any of the area to
17 be replatted was limited by an interim or permanent zoning
18 classification to residential use for not more than two residential
19 units per lot; or

20 (2) any lot in the preceding plat was limited by deed
21 restrictions to residential use for not more than two residential
22 units per lot.

23 (b) Notice of the hearing required under Section 212.014 or
24 212.0146 shall be given before the 15th day before the date of the
25 hearing by:

26 (1) publication in an official newspaper or a
27 newspaper of general circulation in the county in which the

1 municipality is located; and

2 (2) by written notice, with a copy of Subsection (c)
3 attached, forwarded by the municipal authority responsible for
4 approving plats to the owners of lots that are in the original
5 subdivision and that are within 200 feet of the lots to be
6 replatted, as indicated on the most recently approved municipal tax
7 roll or in the case of a subdivision within the extraterritorial
8 jurisdiction, the most recently approved county tax roll of the
9 property upon which the replat is requested. The written notice may
10 be delivered by depositing the notice, properly addressed with
11 postage prepaid, in a post office or postal depository within the
12 boundaries of the municipality.

13 SECTION 3. (a) This section applies only to a municipality
14 with a population of 1.9 million or more that approved the replat or
15 attempted replat of a subdivision or a part of a subdivision before
16 the effective date of this Act.

17 (b) The governmental acts and proceedings of the
18 municipality relating to the approval of a replat or attempted
19 replat of a subdivision or a part of a subdivision by the
20 municipality are validated as of the dates they occurred. The acts
21 and proceedings may not be held invalid because they were not
22 performed in accordance with Chapter 212, Local Government Code, or
23 other law.

24 (c) The governmental acts and proceedings of the
25 municipality occurring after a replat or attempted replat of a
26 subdivision or a part of a subdivision by the municipality may not
27 be held invalid on the ground that the replat or attempted replat,

1 in the absence of this section, was invalid.

2 (d) This section does not apply to any matter that on the
3 effective date of this Act:

4 (1) is involved in litigation if the litigation
5 ultimately results in the matter being held invalid by a final
6 judgment of a court; or

7 (2) has been held invalid by a final judgment of a
8 court.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

03-28-2007
(date)

Sir:

We, your **COMMITTEE ON LAND AND RESOURCE MANAGEMENT**

to whom was referred HB 1067 have had the same under consideration and beg to report back with the recommendation that it

☐ do pass, without amendment.

☐ do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

☒ yes ☐ no A fiscal note was requested.

☐ yes ☒ no A criminal justice policy impact statement was requested.

☐ yes ☒ no An equalized educational funding impact statement was requested.

☐ yes ☒ no An actuarial analysis was requested.

☐ yes ☒ no A water development policy impact statement was requested.

☐ yes ☒ no A tax equity note was requested.

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Mowery, Chair	✓			
Orr, Vice-chair	✓			
Zerwas, CBO	✓			
Callegari	✓			
Cook, R.				✓
Davis, Y.				✓
Geren	✓			
Pickett	✓			
Ritter	✓			

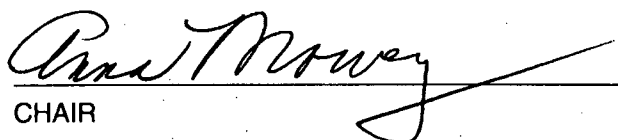
Total

7 aye

0 nay

0 present, not voting

2 absent


CHAIR

BILL ANALYSIS

C.S.H.B. 1067
By: Murphy
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Section 212.014, Local Government Code, allows the recording of a replat of a subdivision or part of a subdivision without vacating the original plat (commonly referred to as a partial replat) if the replat, among other requirements, does not attempt to amend or remove any covenants or restrictions. For twenty-three years, the City of Houston allowed partial replats to remove or change building setback lines.

In July 2006, the Houston Planning Commission changed its interpretation of the term "covenants or restrictions" to now include building setback lines shown on a plat. Because of this interpretation, the Houston Planning Commission is currently disapproving all partial replats that change or remove building setback lines unless all owners of property covered by the original plat sign the replat. This restricts redevelopment, because getting the signature of all owners of property shown on the original plat is usually a practical impossibility.

The purpose of C.S.H.B. 1067 is to authorize the recording of a replat that becomes controlling over the preceding plat without vacating the preceding plat in certain areas of the state and under certain new conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. *Amends Chapter 212, Local Government Code, by adding Section 212.0146, as follows:*

The new Subsection 212.0146(a), Local Government Code, makes the new Section applicable to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

The new Subsection 212.0146(b), Local Government Code, authorizes a replat of a subdivision or part of a subdivision to be recorded and provides that it is controlling over the preceding plat without vacation of the plat if the following requirements are met: the replat is signed by each owner of property subject to the replat and the replat is approved by the municipal authority responsible for approving plats after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard and the replat does not attempt to amend or remove any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat and the replat does not attempt to amend or remove any covenants or restrictions that are contained only in the preceding plat or replat without reference in any dedicatory instrument recorded in the real property records separately from the preceding plat or replat, unless the municipal authority responsible for approving plats determines under the criteria in its applicable rules that the restrictions or covenant should be amended or removed and the replat does not attempt to amend or remove

any existing public utility easements without the consent of the affected utility companies.).

The new Subsection 212.0146(c), Local Government Code, provides that Section 212.015(a) and (b), Local Government Code do not apply to a replat under the new Section 212.0146, Local Government Code.

SECTION 2. Amends Sections 212.015(a) and (b), Local Government Code, to make conforming changes.

SECTION 3. Validates certain acts and proceedings, as follows:

Provides that this section applies only to a municipality with a population of 1.9 million or more that approved the replat or attempted replat of a subdivision or a part of a subdivision before the effective date of this Act.

Provides that the governmental acts and proceedings of the municipality relating to the approval of a replat or attempted replat of a subdivision or a part of a subdivision by the municipality are validated as of the dates they occurred, and that the acts and proceedings may not be held invalid because they were not performed in accordance with Chapter 212, Local Government Code, or other law.

Provides that the governmental acts and proceedings of the municipality occurring after a replat or attempted replat of a subdivision or a part of a subdivision by the municipality may not be held invalid on the ground that the replat or attempted replat, in the absence of this section, was invalid.

Provides that this section does not apply to any matter that on the effective date of this Act: (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or (2) has been held invalid by a final judgment of a court.

SECTION 4. Effective Date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

GENERALLY. The Committee Substitute was prepared to address concerns raised by the City of Houston and CenterPoint Energy. The City requested that any covenants or restrictions not be amended or removed by a replat unless the City Planning Commission determines under its applicable rules that the restriction or covenant should be amended or removed. CenterPoint Energy requested confirmation that no utility easement could be amended or removed without the consent of the affected utility company. Both of these concerns are addressed in SECTION 1 of the Committee Substitute.

SECTION 1. The Original changes in SECTION 1 to Section 212.014, Local Government Code, are removed in the Committee Substitute, and the Committee Substitute SECTION 1 makes similar changes by adding a new Section 212.0146, Local Government Code. The Committee Substitute states in Subsection (b)(4) that restrictions or covenants may not be amended or removed unless the municipal authority responsible for approving plats approves pursuant to criteria in its applicable rules, states Subsection (b)(5) that existing utility easements may not be amended or removed without the consent of the affected utility companies, and states

in Subsection (c) that Section 212.014, the existing partial replat statute, does not apply to replats under Section 212.0146.

SECTION 2. The Original SECTION 2 is moved to SECTION 3 of the Committee Substitute. The Committee Substitute SECTION 2 makes conforming changes.

SECTION 3. The Original SECTION 3 is moved to SECTION 4 of the Committee Substitute. The Committee Substitute SECTION 3 contains language from the Original SECTION 2.

SECTION 4. The Original contains no SECTION 4. The Committee Substitute SECTION 4 contains language from the Original SECTION 3.

SUMMARY OF COMMITTEE ACTION

HB 1067

March 28, 2007 8:00 AM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Committee substitute considered in committee

Recommended to be sent to Local & Consent

Reported favorably as substituted

4

WITNESS LIST

HB 1067
HOUSE COMMITTEE REPORT
Land & Resource Management Committee

March 28, 2007 - 8:00 AM or upon final adjourn./recess

- Committee Substitute (Zerwas)

For: Ashman, Adam (Greater Houston Builders Assn)
Miller, Robert (Greater Houston Builders Association)

Registering, but not testifying:

For: Munoz, Ned (Texas Association of Builders)

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.),
Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.), As Introduced

No fiscal implication to the State is anticipated.

The bill provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB



HOUSE ENGROSSMENT

By: Murphy

H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by each owner of property being replatted;

(2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats;

(3) does not attempt to amend or remove any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) does not attempt to amend or remove any covenants or restrictions that are contained only in the preceding plat or

1 replat without reference in any dedicatory instrument recorded in
2 the real property records separately from the preceding plat or
3 replat, unless the municipal authority responsible for approving
4 plats determines under the criteria in its applicable rules that
5 the restriction or covenant should be amended or removed; and

6 (5) does not attempt to amend or remove any existing
7 public utility easements without the consent of the affected
8 utility companies.

9 (c) Section 212.014 does not apply to a replat under this
10 section.

11 SECTION 2. Sections 212.015(a) and (b), Local Government
12 Code, are amended to read as follows:

13 (a) In addition to compliance with Section 212.014 or
14 212.0146, a replat without vacation of the preceding plat must
15 conform to the requirements of this section if:

16 (1) during the preceding five years, any of the area to
17 be replatted was limited by an interim or permanent zoning
18 classification to residential use for not more than two residential
19 units per lot; or

20 (2) any lot in the preceding plat was limited by deed
21 restrictions to residential use for not more than two residential
22 units per lot.

23 (b) Notice of the hearing required under Section 212.014 or
24 212.0146 shall be given before the 15th day before the date of the
25 hearing by:

26 (1) publication in an official newspaper or a
27 newspaper of general circulation in the county in which the

1 municipality is located; and

2 (2) by written notice, with a copy of Subsection (c)
3 attached, forwarded by the municipal authority responsible for
4 approving plats to the owners of lots that are in the original
5 subdivision and that are within 200 feet of the lots to be
6 replatted, as indicated on the most recently approved municipal tax
7 roll or in the case of a subdivision within the extraterritorial
8 jurisdiction, the most recently approved county tax roll of the
9 property upon which the replat is requested. The written notice may
10 be delivered by depositing the notice, properly addressed with
11 postage prepaid, in a post office or postal depository within the
12 boundaries of the municipality.

13 SECTION 3. (a) This section applies only to a municipality
14 with a population of 1.9 million or more that approved the replat or
15 attempted replat of a subdivision or a part of a subdivision before
16 the effective date of this Act.

17 (b) The governmental acts and proceedings of the
18 municipality relating to the approval of a replat or attempted
19 replat of a subdivision or a part of a subdivision by the
20 municipality are validated as of the dates they occurred. The acts
21 and proceedings may not be held invalid because they were not
22 performed in accordance with Chapter 212, Local Government Code, or
23 other law.

24 (c) The governmental acts and proceedings of the
25 municipality occurring after a replat or attempted replat of a
26 subdivision or a part of a subdivision by the municipality may not
27 be held invalid on the ground that the replat or attempted replat,

1 in the absence of this section, was invalid.

2 (d) This section does not apply to any matter that on the
3 effective date of this Act:

4 (1) is involved in litigation if the litigation
5 ultimately results in the matter being held invalid by a final
6 judgment of a court; or

7 (2) has been held invalid by a final judgment of a
8 court.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.),
Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

By: Murphy (Senate Sponsor - Janek) H.B. No. 1067
(In the Senate - Received from the House April 16, 2007;
April 17, 2007, read first time and referred to Committee on
Intergovernmental Relations; May 3, 2007, reported adversely, with
favorable Committee Substitute by the following vote: Yeas 4,
Nays 0; May 3, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 1067 By: Nichols

A BILL TO BE ENTITLED
AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government
Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT:
CERTAIN MUNICIPALITIES. (a) This section applies only to a replat
of a subdivision or a part of a subdivision located in a
municipality or the extraterritorial jurisdiction of a
municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be
recorded and is controlling over the preceding plat without
vacation of that plat if:

(1) the replat is signed and acknowledged by each
owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving
plats holds a public hearing on the matter at which parties in
interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or
have the effect of amending, removing, or violating, any covenants
or restrictions that are contained or referenced in a dedicatory
instrument recorded in the real property records separately from
the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or
violate, or have the effect of amending, removing, or violating,
any existing public utility easements without the consent of the
affected utility companies; and

(5) the municipal authority responsible for approving
plats approves the replat after determining that the replat
complies with this subchapter and rules adopted under Section
212.002 and this section in effect at the time the application for
the replat is filed.

(c) The governing body of a municipality may adopt rules
governing replats, including rules that establish criteria under
which covenants, restrictions, or plat notations that are contained
only in the preceding plat or replat without reference in any
dedicatory instrument recorded in the real property records
separately from the preceding plat or replat may be amended or
removed.

SECTION 2. (a) This section applies only to a municipality
with a population of 1.9 million or more that approved the replat or
attempted replat of a subdivision before the effective date of this
Act.

(b) The governmental acts and proceedings of the
municipality relating to the approval of a replat or attempted
replat of a subdivision or a part of a subdivision by the
municipality are validated as of the dates they occurred. The acts
and proceedings may not be held invalid because they were not
performed in accordance with Chapter 212, Local Government Code, or
other law.

(c) The governmental acts and proceedings of the
municipality occurring after a replat or attempted replat of a
subdivision or a part of a subdivision by the municipality may not
be held invalid on the ground that the replat or attempted replat,
in the absence of this section, was invalid.

(d) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

* * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1067
By Murphy Janek
(Author/Senate Sponsor)
5-3-07
(date)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure,
have on 5-2-07, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
☒ the caption remained the same as original measure
☐ the caption changed with adoption of the substitute

☐ do pass as substituted, and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator West, Chairman	<input checked="" type="checkbox"/>			
Senator Nichols, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Gallegos			<input checked="" type="checkbox"/>	
Senator Patrick	<input checked="" type="checkbox"/>			
Senator Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	4		1	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

2886 White
COMMITTEE CLERK

P. W.
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

WITNESS LIST

HB 1067

Senate Committee Report

Intergovernmental Relations

May 2, 2007 - 9:30 AM

FOR:

Miller, Robert (Perry Homes), Austin, TX

Registering, but not testifying:

For:

Hall, Darrin (City of Houston), Houston, TX

BILL ANALYSIS

Senate Research Center
80R17934 PAM-D

C.S.H.B. 1067
By: Murphy (Janek)
Intergovernmental Relations
5/3/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 212.014, Local Government Code, allows property to be replatted without vacating the original plat if the replat does not attempt to amend or remove any covenants or restrictions. For 23 years the City of Houston allowed a person to replat a piece of property and remove or change building lines with only the signatures of the owners of the property that would be covered by the proposed replat.

In July of 2006, the Houston Planning Commission and city legal department changed their interpretation of the term "covenants or restrictions." The new interpretation includes building lines shown on a plat and has resulted in the Houston Planning Commission disapproving proposed replats that change or remove building lines unless all owners of property covered by the original plat sign the replat.

C.S.H.B. 1067 specifies that "covenants and restrictions" are only relevant if they are contained or referenced in a recorded dedicatory instrument. This legislation conforms state law to the method used by the City of Houston to handle replats from 1983 through mid-2006, and is bracketed to the City of Houston.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 212, Local Government Code, by adding Section 212.0146, as follows:

Sec. 212.0146. REPLATTING WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) Provides that this section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) Authorizes a replat of a subdivision or part of a subdivision to be recorded and provides that the replat is controlling over the preceding plat without vacation of that plat if the replat satisfies certain conditions.

(c) Authorizes the governing body of a municipality to adopt rules governing replats, including rules that establish criteria under which covenants, restrictions, or plat notations that are contained only in the preceding plat or replat without reference in any dedicatory instrument recorded in the real property records separately from the preceding plat or replat are authorized to be amended or removed.

SECTION 2. (a) Provides that this section applies only to a municipality with a population of 1.9 million or more that approved the replat or attempted replat of a subdivision before the effective date of this Act.

(b) Provides that the governmental acts and proceedings of the municipality relating to the approval of a replat or attempted replat of a subdivision or a part of a subdivision by

the municipality are validated as of the dates they occurred and prohibits such acts and proceedings from being held invalid because they were not performed in accordance with Chapter 212 (Municipal Regulation of Subdivisions and Property Developments), Local Government Code, or other law.

(c) Prohibits the governmental acts and proceedings of the municipality occurring after a replat or attempted replat of a subdivision or a part of a subdivision by the municipality from being held invalid on the ground that the replat or attempted replat, in the absence of this section, was invalid.

(d) Provides that this section does not apply to any matter that, on the effective date of this Act, is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court or has been held invalid by a final judgment of a court.

SECTION 3. Effective date: upon passage or September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 2, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.), **As Engrossed**

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.), As
Introduced

No fiscal implication to the State is anticipated.

The bill provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR KIM BRIMER, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1067, by murphy/
Janek,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Senate ICOR on 5-2-07,
2007.

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

2 Jay White
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

MAY 15 2007

Letty Spaw
Secretary of the Senate

R
W

By:

[Signature]

Substitute the following for H.B. No. 1067:

By:

[Signature]

~~H.B. No. 1067~~

~~C.S. H.B. No. 1067~~

A BILL TO BE ENTITLED

~~AN ACT~~

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if:

(1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or

1 violate, or have the effect of amending, removing; or violating,
2 any existing public utility easements without the consent of the
3 affected utility companies; and

4 (5) the municipal authority responsible for approving
5 plats approves the replat after determining that the replat
6 complies with this subchapter and rules adopted under Section
7 212.002 and this section in effect at the time the application for
8 the replat is filed.

9 (c) The governing body of a municipality may adopt rules
10 governing replats, including rules that establish criteria under
11 which covenants, restrictions, or plat notations that are contained
12 only in the preceding plat or replat without reference in any
13 dedicatory instrument recorded in the real property records
14 separately from the preceding plat or replat may be amended or
15 removed.

16 SECTION 2. (a) This section applies only to a municipality
17 with a population of 1.9 million or more that approved the replat or
18 attempted replat of a subdivision before the effective date of this
19 Act.

20 (b) The governmental acts and proceedings of the
21 municipality relating to the approval of a replat or attempted
22 replat of a subdivision or a part of a subdivision by the
23 municipality are validated as of the dates they occurred. The acts
24 and proceedings may not be held invalid because they were not
25 performed in accordance with Chapter 212, Local Government Code, or
26 other law.

27 (c) The governmental acts and proceedings of the

1 municipality occurring after a replat or attempted replat of a
2 subdivision or a part of a subdivision by the municipality may not
3 be held invalid on the ground that the replat or attempted replat,
4 in the absence of this section, was invalid.

5 (d) This section does not apply to any matter that on the
6 effective date of this Act:

7 (1) is involved in litigation if the litigation
8 ultimately results in the matter being held invalid by a final
9 judgment of a court; or

10 (2) has been held invalid by a final judgment of a
11 court.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

SENATE AMENDMENTS

07 MAY 15 PM 5:37

2nd Printing

HOUSE OF REPRESENTATIVES

By: Murphy

H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

(1) is signed and acknowledged by each owner of property being replatted;

(2) is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats;

(3) does not attempt to amend or remove any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) does not attempt to amend or remove any covenants or restrictions that are contained only in the preceding plat or

1 replat without reference in any dedicatory instrument recorded in
2 the real property records separately from the preceding plat or
3 replat, unless the municipal authority responsible for approving
4 plats determines under the criteria in its applicable rules that
5 the restriction or covenant should be amended or removed; and

6 (5) does not attempt to amend or remove any existing
7 public utility easements without the consent of the affected
8 utility companies.

9 (c) Section 212.014 does not apply to a replat under this
10 section.

11 SECTION 2. Sections 212.015(a) and (b), Local Government
12 Code, are amended to read as follows:

13 (a) In addition to compliance with Section 212.014 or
14 212.0146, a replat without vacation of the preceding plat must
15 conform to the requirements of this section if:

16 (1) during the preceding five years, any of the area to
17 be replatted was limited by an interim or permanent zoning
18 classification to residential use for not more than two residential
19 units per lot; or

20 (2) any lot in the preceding plat was limited by deed
21 restrictions to residential use for not more than two residential
22 units per lot.

23 (b) Notice of the hearing required under Section 212.014 or
24 212.0146 shall be given before the 15th day before the date of the
25 hearing by:

26 (1) publication in an official newspaper or a
27 newspaper of general circulation in the county in which the

1 municipality is located; and

2 (2) by written notice, with a copy of Subsection (c)
3 attached, forwarded by the municipal authority responsible for
4 approving plats to the owners of lots that are in the original
5 subdivision and that are within 200 feet of the lots to be
6 replatted, as indicated on the most recently approved municipal tax
7 roll or in the case of a subdivision within the extraterritorial
8 jurisdiction, the most recently approved county tax roll of the
9 property upon which the replat is requested. The written notice may
10 be delivered by depositing the notice, properly addressed with
11 postage prepaid, in a post office or postal depository within the
12 boundaries of the municipality.

13 SECTION 3. (a) This section applies only to a municipality
14 with a population of 1.9 million or more that approved the replat or
15 attempted replat of a subdivision or a part of a subdivision before
16 the effective date of this Act.

17 (b) The governmental acts and proceedings of the
18 municipality relating to the approval of a replat or attempted
19 replat of a subdivision or a part of a subdivision by the
20 municipality are validated as of the dates they occurred. The acts
21 and proceedings may not be held invalid because they were not
22 performed in accordance with Chapter 212, Local Government Code, or
23 other law.

24 (c) The governmental acts and proceedings of the
25 municipality occurring after a replat or attempted replat of a
26 subdivision or a part of a subdivision by the municipality may not
27 be held invalid on the ground that the replat or attempted replat,

1 in the absence of this section, was invalid.

2 (d) This section does not apply to any matter that on the
3 effective date of this Act:

4 (1) is involved in litigation if the litigation
5 ultimately results in the matter being held invalid by a final
6 judgment of a court; or

7 (2) has been held invalid by a final judgment of a
8 court.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.

ADOPTED

MAY 10 2007

Lotay Sew
Secretary of the Senate

By: *[Signature]*

H.B. No. 1067

Substitute the following for H.B. No. 1067:

By: *[Signature]*

C.S. H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if:

(1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or

1 violate, or have the effect of amending, removing, or violating,
2 any existing public utility easements without the consent of the
3 affected utility companies; and

4 (5) the municipal authority responsible for approving
5 plats approves the replat after determining that the replat
6 complies with this subchapter and rules adopted under Section
7 212.002 and this section in effect at the time the application for
8 the replat is filed.

9 (c) The governing body of a municipality may adopt rules
10 governing replats, including rules that establish criteria under
11 which covenants, restrictions, or plat notations that are contained
12 only in the preceding plat or replat without reference in any
13 dedicatory instrument recorded in the real property records
14 separately from the preceding plat or replat may be amended or
15 removed.

16 SECTION 2. (a) This section applies only to a municipality
17 with a population of 1.9 million or more that approved the replat or
18 attempted replat of a subdivision before the effective date of this
19 Act.

20 (b) The governmental acts and proceedings of the
21 municipality relating to the approval of a replat or attempted
22 replat of a subdivision or a part of a subdivision by the
23 municipality are validated as of the dates they occurred. The acts
24 and proceedings may not be held invalid because they were not
25 performed in accordance with Chapter 212, Local Government Code, or
26 other law.

27 (c) The governmental acts and proceedings of the

1 municipality occurring after a replat or attempted replat of a
2 subdivision or a part of a subdivision by the municipality may not
3 be held invalid on the ground that the replat or attempted replat,
4 in the absence of this section, was invalid.

5 (d) This section does not apply to any matter that on the
6 effective date of this Act:

7 (1) is involved in litigation if the litigation
8 ultimately results in the matter being held invalid by a final
9 judgment of a court; or

10 (2) has been held invalid by a final judgment of a
11 court.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 2, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.),
Committee Report 2nd House, Substituted

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.), As
Engrossed

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 29, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1067 by Murphy (Relating to subdivision replatting by certain municipalities.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill provisions of the bill would apply to a municipality with a population of 1.9 million or more. Based on the 2000 U.S. Census, only the City of Houston fits the population criteria.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

ENROLLMENT

H.B. No. 1067

AN ACT

relating to subdivision replatting by certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0146 to read as follows:

Sec. 212.0146. REPLATting WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if:

(1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or

1 violate, or have the effect of amending, removing, or violating,
2 any existing public utility easements without the consent of the
3 affected utility companies; and

4 (5) the municipal authority responsible for approving
5 plats approves the replat after determining that the replat
6 complies with this subchapter and rules adopted under Section
7 212.002 and this section in effect at the time the application for
8 the replat is filed.

9 (c) The governing body of a municipality may adopt rules
10 governing replats, including rules that establish criteria under
11 which covenants, restrictions, or plat notations that are contained
12 only in the preceding plat or replat without reference in any
13 dedicatory instrument recorded in the real property records
14 separately from the preceding plat or replat may be amended or
15 removed.

16 SECTION 2. (a) This section applies only to a municipality
17 with a population of 1.9 million or more that approved the replat or
18 attempted replat of a subdivision before the effective date of this
19 Act.

20 (b) The governmental acts and proceedings of the
21 municipality relating to the approval of a replat or attempted
22 replat of a subdivision or a part of a subdivision by the
23 municipality are validated as of the dates they occurred. The acts
24 and proceedings may not be held invalid because they were not
25 performed in accordance with Chapter 212, Local Government Code, or
26 other law.

27 (c) The governmental acts and proceedings of the

1 municipality occurring after a replat or attempted replat of a
2 subdivision or a part of a subdivision by the municipality may not
3 be held invalid on the ground that the replat or attempted replat,
4 in the absence of this section, was invalid.

5 (d) This section does not apply to any matter that on the
6 effective date of this Act:

7 (1) is involved in litigation if the litigation
8 ultimately results in the matter being held invalid by a final
9 judgment of a court; or

10 (2) has been held invalid by a final judgment of a
11 court.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

H.B. No. 1067

President of the Senate

Speaker of the House

I certify that H.B. No. 1067 was passed by the House on April 13, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1067 on May 17, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1067 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1067[✓] was passed by the House on
(1)

April 13[✓]
(2)

, 2007, by the following vote:

Yeas 143[✓], Nays 0[✓], 2[✓] present, not voting[✓];
(3) (4)

and that the House concurred in Senate amendments to H.B. No. 1067[✓]
on May 17[✓]
(5), 2007, by the following vote:

Yeas 144[✓], Nays 0[✓], 1[✓] present, not voting[✓].
(6) (7)

Chief Clerk of the House

**** Preparation: CT31

I certify that H.B. No. 1067[✓] was passed by the Senate, with
(1)

amendments, on May 15[✓]
(2), 2007, by the

following vote: Yeas 31[✓], Nays 0[✓].
(3) (4)

Secretary of the Senate

APPROVED:

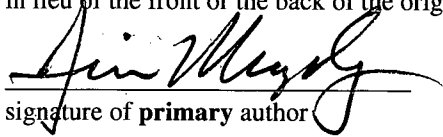
Date

Governor

**** Preparation: CT32

80TH LEGISLATURE**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HB 1067
signature of **primary** authorJim MURPHY
printed name of **primary** author1/30/07
DatePERMISSION TO SIGN HB 1067 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)☒ ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddick	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

H.B. No.

1067

By

Jim Murphy

A BILL TO BE ENTITLED
AN ACT

relating to subdivision replatting by certain municipalities.

FEB 02 2007

Filed with the Chief Clerk

FEB 12 2007

Read first time and referred to Committee on

Land and Resource Management

MAR 28 2007

Reported favorably (as substituted)

APR 02 2007

Sent to Committee on (Local & Consent Calendars)

APR 13 2007

Read second time (comm. subst.) (as amended); passed to third reading (failed) by a (non-record vote) (record vote of 143 yeas, 0 nays, 2 present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of 143 yeas, 0 nays, 2 present, not voting

APR 13 2007

Read third time (as amended); finally passed (failed to pass) by a (non-record vote) (record vote of 143 yeas, 0 nays, 2 present, not voting)

APR 16 2007

Engrossed

APR 16 2007

Sent to Senate

Robert Hancey
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 16 2007

Received from the House

APR 17 2007

Read and referred to Committee on

INTERGOVERNMENTAL RELATIONS

Reported favorably

MAY 03 2007

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 15 2007

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) (yeas, nays)

MAY 15 2007

Read second time, and passed to third reading by (unanimous consent) (a viva voce vote) (yeas, nays)

MAY 15 2007

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 15 2007

Read third time, and passed by a (viva voce vote) (31 yeas, 0 nays)

Returned to the House

John Smith
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 15 2007

Returned from the Senate (as substituted)

MAY 17 2007

House concurred in Senate amendments by a (non-record vote)

(record vote of 144 yeas, 0 nays, 1 present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair; _____,

Conference committee report adopted (rejected) by the House by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote) (record vote of _____ yeas, _____ nays)

07 MAY 15 PM 5:37

HOUSE OF REPRESENTATIVES

07 MAR 30 PM 8:43

HOUSE OF REPRESENTATIVES